

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

USCA Docket Number:

USDC Docket Number : 05-cv-30145

Massachusetts Nurses Association

v.

North Adams Regional Hospital

CLERK'S CERTIFICATE

I, Sarah A Thornton, Clerk of the United States District Court for the District of Massachusetts, do hereby certify that the annexed documents as indicated on the certified copy of the docket and contained in Volume(s) I are the original pleadings and constitute the record on appeal in the above entitled case for the Notice of Appeal filed on 11/22/05.

In testimony whereof, I hereunto set my hand and affix the seal of this Court on November 30, 2005.

Sarah A. Thornton, Clerk of Court

By: 

Jeanette Ramos, Deputy Clerk

Receipt of the documents in the above entitled case is hereby acknowledged this date: 12/1/05.


Deputy Clerk, US Court of Appeals

Please complete the following information:

COURT OF APPEALS DOCKET NUMBER ASSIGNED: _____

APPEAL

**United States District Court
District of Massachusetts (Springfield)
CIVIL DOCKET FOR CASE #: 3:05-cv-30145-KPN**

Massachusetts Nurses Association, v. North Adams
Regional Hospital
Assigned to: Magistrate Judge Kenneth P. Neiman
Cause: 29:185 Labor/Mgt. Relations (Contracts)

Date Filed: 06/21/2005
Jury Demand: None
Nature of Suit: 720 Labor: Labor/Mgt.
Relations
Jurisdiction: Federal Question

Plaintiff

Massachusetts Nurses Association,

represented by **Alan J. McDonald**

McDonald & Associates
Suite 210
Cordaville Office Center
153 Cordaville Road
Southborough, MA 01772
508-485-6600
Fax: 508-485-4477
Email:
amcdonald@masslaborlawyers.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Mark A. Hickernell
McDonald & Associates
Cordaville Office Center
153 Cordaville Road
Southborough, MA 01772
617-928-0080
Email:
mhickernell@masslaborlawyers.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

North Adams Regional Hospital

represented by **David C. Potter**

Ropes & Gray LLP
One International Place
Boston, MA 02110
617-951-7036
Fax: 617-951-7050
Email: david.potter@ropesgray.com
LEAD ATTORNEY

*ATTORNEY TO BE NOTICED***Robert B. Gordon**

Ropes & Gray LLP

One International Place

Boston, MA 02110

617-951-7000

Fax: 617-951-7050

Email: robert.gordon@ropesgray.com

*LEAD ATTORNEY**ATTORNEY TO BE NOTICED*

Date Filed	#	Docket Text
06/21/2005	<u>1</u>	COMPLAINT against North Adams Regional Hospital by Massachusetts Nurses Association filed. Filing fee of \$250.00 paid. Receipt number 305976. CF to counsel. (Attachments: # <u>1</u>)(Finn, Mary) (Entered: 06/21/2005)
06/21/2005		Summons Issued as to North Adams Regional Hospital. (Finn, Mary) (Entered: 06/21/2005)
06/29/2005	<u>2</u>	NOTICE of Appearance by Robert B. Gordon on behalf of North Adams Regional Hospital (Lindsay, Maurice) (Entered: 06/29/2005)
06/29/2005	<u>3</u>	NOTICE of Appearance by David C. Potter on behalf of North Adams Regional Hospital (Lindsay, Maurice) (Entered: 06/29/2005)
06/29/2005	<u>4</u>	CORPORATE DISCLOSURE STATEMENT by North Adams Regional Hospital. (Lindsay, Maurice) (Entered: 06/29/2005)
07/08/2005	<u>5</u>	ACKNOWLEDGEMENT OF SERVICE Executed by Massachusetts Nurses Association,. North Adams Regional Hospital served on 6/22/2005, answer due 7/12/2005. Acknowledgement filed by Massachusetts Nurses Association,. (Lindsay, Maurice) (Entered: 07/08/2005)
07/08/2005	<u>6</u>	ANSWER to Complaint by North Adams Regional Hospital. (Attachments: # <u>1</u> Exhibit # <u>2</u> Exhibit # <u>3</u> Exhibit # <u>4</u> Exhibit)(Lindsay, Maurice) (Entered: 07/08/2005)
07/08/2005	<u>7</u>	Dft's MOTION for Judgment on the Pleadings or, in the alternative, MOTION for Summary Judgment by North Adams Regional Hospital. (Lindsay, Maurice) (Entered: 07/08/2005)
07/08/2005	<u>8</u>	Dft's MEMORANDUM of law in Support of its <u>7</u> MOTION for Judgment on the Pleadings or, in the alternative, MOTION for Summary Judgment filed by North Adams Regional Hospital. (Lindsay, Maurice) (Entered: 07/08/2005)
07/15/2005	<u>9</u>	Ptf's MOTION to Extend deadline to 7/29/05 to File opposition to Dft's motion for Judgment on the pleadings by Massachusetts Nurses

		Association,.(Lindsay, Maurice) (Entered: 07/15/2005)
07/18/2005	●	Judge Michael A Ponsor : Electronic ORDER entered granting <u>9</u> Motion for Extension of Time to enlarge time to file opposition to def's motion for judgment on the pleadings; Opposition due on July 29, 2005 (French, Elizabeth) (Entered: 07/18/2005)
07/28/2005	● <u>10</u>	Ptf's MOTION for Extension of Time to 8/5/05 to File by Massachusetts Nurses Association,.(Lindsay, Maurice) (Entered: 07/28/2005)
07/29/2005	●	Judge Michael A Ponsor : Electronic ORDER entered granting <u>10</u> Motion for Extension of Time to File opposition to defendants motion for judgment on the pleadings; opposition due 8/5/05 (French, Elizabeth) (Entered: 07/29/2005)
08/05/2005	● <u>11</u>	Ptf's Opposition to Dft's <u>7</u> MOTION for Judgment on the Pleadings MOTION for Summary Judgment filed by Massachusetts Nurses Association,. (Lindsay, Maurice) (Entered: 08/05/2005)
08/11/2005	● <u>2</u>	Judge Michael A Ponsor : Electronic ORDER entered. REFERRING MOTION <u>7</u> MOTION for Judgment on the Pleadings MOTION for Summary Judgment filed by North Adams Regional Hospital, to Magistrate Judge Kenneth P. Neiman(French, Elizabeth) (Entered: 08/11/2005)
08/16/2005	● <u>13</u>	Deft's Assented to MOTION for Leave to File a reply memorandum by North Adams Regional Hospital filed.(Finn, Mary) (Entered: 08/16/2005)
08/16/2005	●	Judge Kenneth P. Neiman : ELECTRONIC ENDORSED ORDER entered granting the Deft's Assented to <u>13</u> Motion for Leave to File a reply memorandum; cc/cl. (Finn, Mary) (Entered: 08/16/2005)
08/16/2005	● <u>14</u>	Deft's REPLY MEMORANDUM to Response to Motion their <u>7</u> MOTION for Judgment on the Pleadings MOTION for Summary Judgment by North Adams Regional Hospital filed. (Finn, Mary) (Entered: 08/16/2005)
08/16/2005	● <u>15</u>	Deft's MOTION for Leave to File First Amended Answer by North Adams Regional Hospital filed.(Finn, Mary) (Entered: 08/16/2005)
08/23/2005	● <u>16</u>	Opposition re <u>15</u> MOTION for Leave to File <i>Amended Answer (Conditional)</i> filed by Massachusetts Nurses Association,. (McDonald, Alan) (Entered: 08/23/2005)
08/25/2005	● <u>17</u>	Assented to MOTION for Leave to File <i>a Reply Memorandum in Further Support of Defendant's Motion for Leave to File First Amended Verified Answer</i> by North Adams Regional Hospital. (Attachments: # <u>1</u>)(Potter, David) (Entered: 08/25/2005)
08/26/2005	●	Judge Kenneth P. Neiman : Electronic ORDER entered granting <u>17</u> Motion for Leave to File Reply Brief. (Stuckenbruck, John) (Entered: 08/26/2005)
08/26/2005	● <u>18</u>	REPLY to Response to Motion re <u>15</u> MOTION for Leave to File

		Amended Answer filed by North Adams Regional Hospital. (Stuckenbruck, John) (Entered: 08/26/2005)
09/09/2005	●	NOTICE of Hearing on Motion <u>7</u> MOTION for Judgment on the Pleadings MOTION for Summary Judgment ISSUED, cc:cl. Motion Hearing set for 10/19/2005 at 2:00 PM in Courtroom 3 before Magistrate Judge Kenneth P. Neiman. (Healy, Bethaney) (Entered: 09/09/2005)
09/14/2005	●	Magistrate Judge Kenneth P. Neiman. ELECTRONIC ORDER granting <u>15</u> Motion for Leave to File First Amended Verified Answer, ENTERED, cc:cl. ALLOWED. Plaintiff shall file any supplemental opposition to Defendant's Motion for Judgment on the Pleadings/for Summary Judgment by no later than September 28, 2005. So ordered. (Healy, Bethaney) (Entered: 09/14/2005)
09/14/2005	● <u>19</u>	FIRST AMENDED ANSWER to Complaint, filed by North Adams Regional Hospital. (Attachments: # <u>1</u> Part Two# <u>2</u> Part 3# <u>3</u> Part 4# <u>4</u> Part 5 of 5)(Healy, Bethaney) (Entered: 09/14/2005)
09/28/2005	● <u>20</u>	Ptf's Opposition to Dft's <u>7</u> MOTION for Judgment on the Pleadings/or MOTION for Summary Judgment filed by Massachusetts Nurses Association,. (Lindsay, Maurice) (Entered: 09/28/2005)
09/30/2005	● <u>21</u>	Assented to MOTION for Leave to File <i>Supplemental Reply Memorandum</i> by North Adams Regional Hospital. (Attachments: # <u>1</u>) (Potter, David) (Entered: 09/30/2005)
09/30/2005	●	Judge Kenneth P. Neiman : ELECTRONIC ENDORSED ORDER entered granting the Dft's Assented to <u>21</u> Motion for Leave to File a suppl. reply memo. in resp. to the Pltf's suppl. opp. to their motion for judgment on the pleadings or, in the alternate for summary judgment; cc/cl. (Finn, Mary) (Entered: 09/30/2005)
09/30/2005	● <u>22</u>	Dft's SUPPL. REPLY MEMORANDUM in Support of its <u>7</u> MOTION for Judgment on the Pleadings or, in the alternative, MOTION for Summary Judgment by North Adams Regional Hospital filed. (Finn, Mary) (Entered: 09/30/2005)
10/20/2005	●	Electronic Clerk's Notes for proceedings held before Magistrate Judge Kenneth P. Neiman: Motion Hearing held on 10/19/2005 re <u>7</u> MOTION for Judgment on the Pleadings or Summary Judgment filed by North Adams Regional Hospital. Arguments heard and motion taken under advisement with report and recommendation to issue. If there is consent to jurisdiction by Magistrate Judge Neiman, parties to so notify the court by Friday, October 21, 2005. (Court Reporter digital.) (Olin, Nathan) (Entered: 10/20/2005)
10/21/2005	● <u>23</u>	CONSENT to Jurisdiction by US Magistrate Judge by Massachusetts Nurses Association,, North Adams Regional Hospital filed. (Finn, Mary) (Entered: 10/21/2005)
10/21/2005	●	Judge Michael A Ponsor : ELECTRONIC ENDORSED ORDER entered. ELECTRONIC ENDORSEMENT re <u>23</u> Consent to Jurisdiction by US

		Magistrate Judge filed by North Adams Regional Hospital, Massachusetts Nurses Association; cc/cl.(Finn, Mary) (Entered: 10/21/2005)
10/21/2005	●	Judge Michael A Ponsor : ELETRONIC ENDORSED ORDER RE; <u>23</u> Consent to proceed before U.S. Magistrate Judge entered. Case reassigned to Magistrate Judge Kenneth P. Neiman. for all purposes, including trial and entry of final judgment. Judge Michael A Ponsor no longer assigned to the case. Counsel are directed to the Court's Standing Orders re: Electronic Case Filing.(Finn, Mary) (Entered: 10/21/2005)
10/21/2005	● <u>24</u>	Case reassigned to Magistrate Judge Kenneth P. Neiman. Counsel are directed to the Court's Standing Orders re: Electronic Case Filing; cc/cl. (Finn, Mary) (Entered: 10/21/2005)
10/24/2005	● <u>25</u>	Judge Kenneth P. Neiman : MEMORANDUM AND ORDER entered. The Deft's motion for judgment on the pleadings or, in the alternative, for summary judgment (construed as a motion for judgment on the pleadings) - <u>7</u> is ALLOWED; cc/cl. (Finn, Mary) (Entered: 10/25/2005)
10/25/2005	● <u>26</u>	Judge Kenneth P. Neiman : JUDGMENT entered for the Deft. pursuant to the Memorandum and Order of the Court entered on 10/24/2005, granting the Deft's motion for judgment on the pleadings or, in the alternative, for summary judgment, the motion having been construed as a motion for judgment on the pleadings; cc/cl.(Finn, Mary) (Entered: 10/25/2005)
11/22/2005	● <u>27</u>	NOTICE OF APPEAL as to <u>26</u> Judgment, by Massachusetts Nurses Association,. Fee \$ 255.00 Paid Receipt # 306104 NOTICE TO COUNSEL: A Transcript Report/Order Form, which can be downloaded from the First Circuit Court of Appeals web site at http://www.ca1.uscourts.gov/clerks/transcript.htm MUST be completed and submitted to the Court of Appeals. Appeal Record due by 12/12/2005. (Lindsay, Maurice) (Entered: 11/23/2005)
11/28/2005	●	Remark: The Complete case file mailed this date, to Boston Clerk's Office for certification process to the Appeals court. (Lindsay, Maurice) (Entered: 11/28/2005)